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PCT

## NOTIFICATION OF ELECTION

(PCT Rule 61.2)

From the INTERNATIONAL BUREAU

To:

Assistant Commissioner for Patents  
United States Patent and Trademark  
Office  
Box PCT  
Washington, D.C. 20231  
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in its capacity as elected Office

Date of mailing (day/month/year) 18 September 2000 (18.09.00)	
International application No. PCT/US99/25820	Applicant's or agent's file reference PF-0622 PCT
International filing date (day/month/year) 03 November 1999 (03.11.99)	Priority date (day/month/year) 03 November 1998 (03.11.98)
Applicant TANG, Y., Tom et al	

1. The designated Office is hereby notified of its election made:

☒ in the demand filed with the International Preliminary Examining Authority on:

01 June 2000 (01.06.00)

☐ in a notice effecting later election filed with the International Bureau on:2. The election ☒ was☐ was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No.: (41-22) 740.14.35	Authorized officer Charlotte ENGER Telephone No.: (41-22) 338.83.38
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## INTERNATIONAL APPLICATION PUBLISHED UNDER THE PATENT COOPERATION TREATY (PCT)

(51) International Patent Classification <sup>7</sup> :  C12N 9/00	A2	(11) International Publication Number: <b>WO 00/26350</b>  (43) International Publication Date: 11 May 2000 (11.05.00)													
<p>(21) International Application Number: PCT/US99/25820</p> <p>(22) International Filing Date: 3 November 1999 (03.11.99)</p> <p>(30) Priority Data:</p> <table border="0"> <tr> <td>09/185,217</td> <td>3 November 1998 (03.11.98)</td> <td>US</td> </tr> <tr> <td>Not furnished</td> <td>3 November 1998 (03.11.98)</td> <td>US</td> </tr> </table> <p>(63) Related by Continuation (CON) or Continuation-in-Part (CIP) to Earlier Applications</p> <table border="0"> <tr> <td>US</td> <td>09/185,217 (CIP)</td> </tr> <tr> <td>Filed on</td> <td>3 November 1998 (03.11.98)</td> </tr> <tr> <td>US</td> <td>Not furnished (CIP)</td> </tr> <tr> <td>Filed on</td> <td>3 November 1998 (03.11.98)</td> </tr> </table> <p>(71) Applicant (for all designated States except US): INCYTE PHARMACEUTICALS, INC. [US/US]; 3174 Porter Drive, Palo Alto, CA 94304 (US).</p> <p>(72) Inventors; and</p> <p>(75) Inventors/Applicants (for US only): TANG, Y., Tom [CN/US]; 4230 Ranwick Court, San Jose, CA 95118 (US). CORLEY, Neil, C. [US/US]; 1240 Dale Avenue #30, Mountain View, CA 94040 (US). GUEGLER, Karl, J. [CH/US]; 1048 Oakland Avenue, Menlo Park, CA 94025 (US). GORGONE,</p>	09/185,217	3 November 1998 (03.11.98)	US	Not furnished	3 November 1998 (03.11.98)	US	US	09/185,217 (CIP)	Filed on	3 November 1998 (03.11.98)	US	Not furnished (CIP)	Filed on	3 November 1998 (03.11.98)	<p>Gina, A. [US/US]; 1253 Pinecrest Drive, Boulder Creek, CA 95006 (US). AZIMZAI, Yalda [US/US]; 2045 Rock Springs Drive, Hayward, CA 94545 (US). KASER, Matthew, R. [GB/US]; 4793 Ewing Road, Castro Valley, CA 94546 (US). YUE, Henry [US/US]; 826 Lois Avenue, Sunnyvale, CA 94087 (US).</p> <p>(74) Agents: BILLINGS, Lucy, J. et al.; Incyte Pharmaceuticals, Inc., 3174 Porter Drive, Palo Alto, CA 94304 (US).</p> <p>(81) Designated States: AL, AM, AT, AU, AZ, BA, BB, BG, BR, BY, CA, CH, CN, CU, CZ, DE, DK, EE, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MD, MG, MK, MN, MW, MX, NO, NZ, PL, PT, RO, RU, SD, SE, SG, SI, SK, SL, TJ, TM, TR, TT, UA, UG, US, UZ, VN, YU, ZW, ARIPO patent (GH, GM, KE, LS, MW, SD, SL, SZ, TZ, UG, ZW), Eurasian patent (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM), European patent (AT, BE, CH, CY, DE, DK, ES, FI, FR, GB, GR, IE, IT, LU, MC, NL, PT, SE), OAPI patent (BF, BJ, CF, CG, CI, CM, GA, GN, GW, ML, MR, NE, SN, TD, TG).</p> <p><b>Published</b></p> <p><i>Without international search report and to be republished upon receipt of that report.</i></p>
09/185,217	3 November 1998 (03.11.98)	US													
Not furnished	3 November 1998 (03.11.98)	US													
US	09/185,217 (CIP)														
Filed on	3 November 1998 (03.11.98)														
US	Not furnished (CIP)														
Filed on	3 November 1998 (03.11.98)														
<p>(54) Title: COENZYME A-UTILIZING ENZYMES</p> <p>(57) Abstract</p> <p>The invention provides human coenzyme A-utilizing enzymes (CoAEN) and polynucleotides which identify and encode CoAEN. The invention also provides expression vectors, host cells, antibodies, agonists and antagonists. The invention also provides methods for diagnosing, treating, or preventing disorders associated with expression of CoAEN.</p>															

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# INTERNATIONAL SEARCH REPORT

International Application No

PCT/US 99/25820

## A. CLASSIFICATION OF SUBJECT MATTER

IPC 7 C12N9/00 C12N15/52 C07K16/40 A61K38/43

According to International Patent Classification (IPC) or to both national classification and IPC

## B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 C12N C07K A61K

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

## C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	J WEST ET AL: "Cloning and expression of two human lysophosphatidic acid acyltransferase cDNAs that enhance cytokine induced signaling responses in cells" DNA AND CELL BIOLOGY, US, NEW YORK, NY, vol. 16, no. 6, 1 June 1997 (1997-06-01), pages 691-701, XP002082603 ISSN: 1044-5498 cited in the application the whole document --- -/--	1-16,19

☒ Further documents are listed in the continuation of box C.

☒ Patent family members are listed in annex.

### \* Special categories of cited documents :

- \*A\* document defining the general state of the art which is not considered to be of particular relevance
- \*E\* earlier document but published on or after the international filing date
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- \*O\* document referring to an oral disclosure, use, exhibition or other means
- \*P\* document published prior to the international filing date but later than the priority date claimed

- \*T\* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- \*X\* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- \*Y\* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- \*Z\* document member of the same patent family

Date of the actual completion of the international search

7 July 2000

Date of mailing of the international search report

02 OCT 2000

Name and mailing address of the ISA

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Authorized officer

Kaas, V

# INTERNATIONAL SEARCH REPORT

International Application No

PCT/US 99/25820

## C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	STAMPS, A. ET AL.: "A human cDNA sequence with homology to non-mammalian lysophosphatidic acid acyltransferases" BIOCHEMICAL JOURNAL, vol. 326, 1 September 1997 (1997-09-01), pages 455-461, XP000916280 cited in the application the whole document	1-16,19
A	WO 94 09126 A (DARTMOUTH COLLEGE) 28 April 1994 (1994-04-28) the whole document	1-16,19
A	US 5 635 616 A (COLEMAN TIMOTHY A ET AL) 3 June 1997 (1997-06-03) the whole document	1-16,19

# INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/US 99/25820

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
WO 9409126 A	28-04-1994	US 5484727 A	16-01-1996
		AU 5356694 A	09-05-1994
		US 5968749 A	19-10-1999
		US 5834283 A	10-11-1998
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US 5635616 A	03-06-1997	NONE	
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## PCT

## INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference <b>PF-0622 PCT</b>	<b>FOR FURTHER ACTION</b> see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.	
International application No. <b>PCT/US 99/ 25820</b>	International filing date (day/month/year) <b>03/11/1999</b>	(Earliest) Priority Date (day/month/year) <b>03/11/1998</b>
Applicant <b>INCYTE PHARMACEUTICALS, INC. et al.</b>		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 6 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

## 1. Basis of the report

- a. With regard to the language, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

- b. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international search was carried out on the basis of the sequence listing :

☒ contained in the international application in written form.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority in written form.

☒ furnished subsequently to this Authority in computer readable form.

☒ the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

☒ the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

2. ☒ Certain claims were found unsearchable (See Box I).

3. ☒ Unity of invention is lacking (see Box II).

## 4. With regard to the title,

☒ the text is approved as submitted by the applicant.

☐ the text has been established by this Authority to read as follows:

## 5. With regard to the abstract,

☒ the text is approved as submitted by the applicant.

☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

## 6. The figure of the drawings to be published with the abstract is Figure No.

☐ as suggested by the applicant.

☐ because the applicant failed to suggest a figure.

☐ because this figure better characterizes the invention.

☒ None of the figures.



# INTERNATIONAL SEARCH REPORT

International application No.  
PCT/US 99/25820

## Box I Observations where certain claims were found unsearchable (Continuation of item 1 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☒ Claims Nos.: -  
because they relate to subject matter not required to be searched by this Authority, namely:  
see FURTHER INFORMATION sheet PCT/ISA/210
2. ☒ Claims Nos.: 17, 18, 20  
because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:  
see FURTHER INFORMATION sheet PCT/ISA/210
3. ☐ Claims Nos.:  
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

## Box II Observations where unity of invention is lacking (Continuation of item 2 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

See additional sheet

1. ☐ As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☒ No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:  
1 - 20 (partially)

Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest.  
☐ No protest accompanied the payment of additional search fees.

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

Continuation of Box I.1

Although claims 19 and 20 are directed to a method of treatment of the human/animal body, the search on claim 19 has been carried out and based on the alleged effects of the compound/composition (concerning claim 20, see below).

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Continuation of Box I.1

Rule 39.1(iv) PCT - Method for treatment of the human or animal body by therapy

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Continuation of Box I.2

Claims Nos.: 17, 18, 20

It is not possible to carry out a meaningful search into the state of the art on the basis of claims 17 and 18 because their subject-matter ("agonist" and "antagonist") is structurally undefined and could not in any event have been functionally tested in the prior art. The same is true for claim 20 which refers to a method using the undefined subject-matter mentioned above.

The applicant's attention is drawn to the fact that claims, or parts of claims, relating to inventions in respect of which no international search report has been established need not be the subject of an international preliminary examination (Rule 66.1(e) PCT). The applicant is advised that the EPO policy when acting as an International Preliminary Examining Authority is normally not to carry out a preliminary examination on matter which has not been searched. This is the case irrespective of whether or not the claims are amended following receipt of the search report or during any Chapter II procedure.

**FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210**

1. Claims: 1-20 (partially)  
subject-matter relating to SEQ ID NO: 1 and 6
2. Claims: 1-20 (partially)  
subject-matter relating to SEQ ID NO: 2 and 7
3. Claims: 1-20 (partially)  
subject-matter relating to SEQ ID NO: 3 and 8
4. Claims: 1-20 (partially)  
subject-matter relating to SEQ ID NO: 4 and 9
5. Claims: 1-20 (partially)  
subject-matter relating to SEQ ID NO: 5 and 10